

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BRADLEY A. McKEOWN,

Plaintiff,

v.

KHALIL RAHIM, *et al.*,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 7:18-cv-00306

By: Elizabeth K. Dillon

United States District Judge

**ORDER**

For the reasons set forth in the court's accompanying memorandum opinion, it is hereby ORDERED that V. Jones Trucking, LLC's (VJT) motion to dismiss plaintiff's second amended complaint (Dkt. No. 37) is GRANTED IN PART AND DENIED IN PART. As set forth in the court's opinion, McKeown's claims against VJT of negligence, vicarious liability as a statutory employer, negligent entrustment, and negligence and negligence per se for aiding and abetting violations of the Federal Motor Carrier Safety Regulations are dismissed.

It is further ORDERED that James Hardie Building Products, Inc.'s (Hardie) motion to dismiss plaintiff's second amended complaint (Dkt. No. 42) is GRANTED IN PART AND DENIED IN PART. Specifically, McKeown's claims against Hardie for negligent undertaking or assumption of duty and for negligent hiring are dismissed.

It is further ORDERED that McKeown's motion to withdraw his motion to amend/correct his amended complaint (Dkt. No. 63) is GRANTED and his motion to amend/correct his amended complaint (Dkt. No. 62) is WITHDRAWN. McKeown's second motion to amend/correct his amended complaint (Dkt. No. 64) is GRANTED IN PART AND DENIED IN PART, as explained more thoroughly in the court's opinion.

The clerk is directed to provide a copy of this order and the accompanying memorandum opinion to all counsel of record and all *pro se* parties.

Entered: March 16, 2020.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
United States District Judge